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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:  
Brian R. Murphy et al.  
Serial No. 09/083,793

Filed: May 22, 1998

For: PRODUCTION OF ATTENUATED  
PARAINFLUENZA VIRUS VACCINES  
FROM CLONED NUCLEOTIDE  
SEQUENCES

Examiner: M. Mosher  
Group Art Unit: 1648

DEPOSIT DECLARATION OF  
BRIAN R. MURPHY

DATE OF DEPOSIT:

I HEREBY CERTIFY THAT THIS PAPER IS BEING  
DEPOSITED WITH THE UNITED STATES POSTAL  
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AND IS ADDRESSED TO THE ASSISTANT  
COMMISSIONER FOR PATENTS, WASHINGTON,  
DC 20231.

TYPED NAME: Jeffrey A. King  
REGISTRATION NO.: 38,515

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

I, BRIAN R. MURPHY, hereby declare and state:

1. I am an inventor in the above-captioned application.
2. Attached to this Declaration is what I am informed and believe to be a true copy of a receipt dated November 20, 2000, of a deposit of biological materials made by myself or by others under my direction. The following deposit was made with the American Type Culture Collection (ATCC), 10801 University Blvd. Manassas, VA 20110-2209 in accordance with the Budapest Treaty:

Human Parainfluenza Virus Type 3 (cold-passage 45) HPIV3 cp45 JS  
strain (lot HP 13-3) deposited on August 24, 2000,  
accorded ATCC Accession Number PTA-2419.

3. The ATCC is an International Depository Authority under the Budapest Treaty. The above identified deposit have thus been accepted by an International Depository Authority under the provisions of the Budapest Treaty. In accordance with the terms of the Budapest Treaty, all restrictions upon the availability to the public of the deposited material will be irrevocably removed upon the granting of a patent on this application and the deposit will be replaced if viable samples cannot be dispensed by the depository. The deposited material will be maintained for a period of at least 30 years after the date of the deposit, or five years after the most recent request for a sample, whichever is longer.

4. I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made, with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and such willful false statements may jeopardize the validity of the instant patent application or any patent issuing thereon.

8/26/02  
Date

Brian R. Murphy  
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JSK/mrw

#29  
ATCC

# ATCC

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BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF  
THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

*INTERNATIONAL FORM*

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3  
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

To: (Name and Address of Depositor or Attorney)

National Institutes of Health  
Attn: Mario Skiadopoulos  
7 Center Drive, Bldg. 7/ Rm 138  
Bethesda, MD 20892

Deposited on Behalf of: NIAID, NIH

Identification Reference by Depositor:  
Human Parainfluenza Virus Type 3 (cold-passage 45):  
HPIV3 cp45 JS strain (lot HP13-3)

Patent Deposit Designation  
PTA-2419

The deposit was accompanied by: ☐ a scientific description ☐ a proposed taxonomic description indicated above.

The deposit was received August 24, 2000 by this International Depository Authority and has been accepted.

AT YOUR REQUEST: ☒ We will inform you of requests for the strain for 30 years.

The strain will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strain, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strain.

If the culture should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace it with living culture of the same.

The strain will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the culture cited above was tested October 27, 2000. On that date, the culture was viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:

  
Frank Simione, Director, Patent Depository

Date: November 20, 2000

cc: Jeffrey J. King